



BRAD KING, STATE ATTORNEY
Fifth Judicial Circuit of Florida
Serving Marion, Lake, Citrus, Sumter, Hernando Counties

To: Governor Rick Scott

From: State Attorney Brad King **fjl-**

Re: Governor's Executive Order Number 11-129

This case had its genesis in the Alachua County Sheriff's office issuing a written corrective counseling report to Corrections Officer Matthew Cooper for his failure to feed inmates who neglected to get in line for food and instead stayed on the rec yard. This event occurred on August 5, 2010.

While this corrective counseling was taking place, Cooper wished to have his own witness present at the session (although there appears to be no policy or procedure that allows for such a witness). When this "witness" was refused, Cooper attempted to record the session on his cell phone. This was clear to at least one of the officers in the room, because Cooper was recalled to the sergeant's office and asked directly if he recorded the counseling session.

Cooper called and made an appointment with the Office of Professional Standards for the Alachua County Sheriff's Office and appeared on August 11, 2010 to make a statement about his corrective counseling meeting. In this statement he discusses the recording of the meeting. It is not as if Cooper's intention was to secretly record the meeting.

The matter of Cooper attempting to record the conversation was forwarded up the chain of command. Some two and one half months later an internal affairs investigation was commenced regarding the alleged unlawful interception of communications. During his interview, Cooper was given Garrity warnings indicating that what he said would not be used against him in any criminal proceedings and a statement was taken from him. Present with Cooper was the subject of this investigation. Teff McAdams, an officer of the Gainesville Police Department, who was appearing with Cooper as his Fraternal Order of Police union representative.

Cooper gave a detailed statement concerning the corrective counseling session including his attempts to record the conversation during the counseling session. Near the end of the interview, Cooper was asked if he would "be willing to let me (IO) take that phone and have it looked at with one of my forensic examiners?". Cooper declined. At that time he was not told to turn it over or even informed of the ACSO Policy 347 and instructed to turn the phone over. One could clearly assume from the nature of the request, that it was just that, a request for him to voluntarily turn over the phone. Shortly after being asked to allow inspection, a break was taken, presumably to allow for the investigating officer to retrieve a copy of the policy to bring it to Cooper's attention. When the interview resumed, Cooper was asked if the phone he had with him was a personal phone, he

responded that he had sold the phone. When McAdams told the investigating officer that he had bought the phone, Cooper was asked if he was going to let the officer look at it. McAdams responded, "He can't, I own it."

After the "transfer" of the phone is announced, Cooper was advised of the sheriff's policy which purportedly required him to allow inspection of the phone. After the policy is read the investigating officer says, "so we're going to go ahead and just call it done for now." Having advised Cooper of the policy he never asks Cooper or McAdams for the phone. McAdams is never asked to produce the phone as evidence, nor is there any attempt made to require the phone of him or to seize the phone from his vehicle as evidence of a crime.

The phone was turned over to the State Attorney's office of the Eighth Circuit upon the State Attorney's request and is still being held by them as of this time.

When reviewed from the stand point of common sense and good judgement, McAdams' actions are clearly wrong. This type of conduct is not in the best interest of law enforcement, nor is it becoming the reputation of law enforcement for honestly searching for the truth. I recognize that McAdams' reasoning for the subterfuge was to prevent what he saw as an improper search, however, in that regard, he begins to act as a lawyer and not as a union representative.

My final analysis of this matter is that the violation that occurred here is a violation of good judgement and professional integrity at the expense of "advocating" for a "client". It is something seen and complained of on a regular basis by law enforcement officers of criminal defense attorneys. Here it was done by a law enforcement officer in the course of trying to protect another officer from the consequences of his own actions. While this does not sit well with law enforcement professionals, neither is it a situation worthy of our criminal court system. I therefore decline to file any charges in this matter.